

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MICHAEL J. HASKINS,)	
on behalf of himself and)	
all others similarly)	
situated,)	
)	
Plaintiff,)	
)	
vs.)	Civil Action No. 09-754
)	
VIP WIRELESS LLC 300,)	
)	
Defendant.)	
)	

ORDER

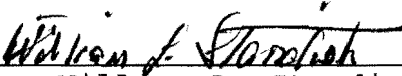
AND NOW, this 5th day of October, 2010, it is hereby ORDERED
as follows:

1. The Motion for Summary Judgment filed by Defendant VIP Wireless LLC 300 ("VIP Wireless") at Doc. No. 44 is GRANTED insofar as Defendant has demonstrated that the first condition of the retail or service establishment exemption as set forth in the Fair Labor Standards Act of 1938, as amended, 29 U.S.C. *et seq.* ("FLSA"), § 207(i) and 29 C.F.R. § 779.411-419 is applicable in this matter.

2. To the extent Defendant's motion seeks dismissal of those allegations of the Complaint which pertain to relief sought on behalf of others similarly situated to Plaintiff, the motion is DENIED without prejudice.

3. On or before October 19, 2010, the parties shall file a proposed amended case management order for the Court's consideration, precisely defining the putative class; setting out the scope of discovery as it pertains to the collective action allegations of this action; and establishing the dates by which Plaintiff shall move for conditional certification of the class for purposes of notice and discovery and by which class discovery shall be completed.

October 5, 2010



William L. Standish
United States District Judge